

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE
ALEX RIVERA DEGLANS and
IRELSY VELAZQUEZ REYES
Debtors

CASE NO. 11-02161 ESL
CHAPTER 11

**DEBTORS' OBJECTION TO CLAIM 1, NOTICE,
AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

COME Now Debtors, represented by the undersigned counsel, and respectfully state and pray as follows:

1. On March 29, 2011, Banco Popular de Puerto Rico filed claim number 1 in the amount of \$20,902.98 for account number ending in 4736.
2. Banco Popular attached a one-page account summary to the proof of claim in support of its claim.
3. Rule 3001(c) of the Bankruptcy Rules provides that when "a claim is based on a writing" the "original or a duplicate shall be filed with the proof of claim." The claim filed by claimant in this case is fatally defective for failure to comply with this mandatory Rule.
4. The claim is deficient because the claim does not provide any evidence that there exists a valid contract between the debtors and the creditor-claimant. See Proof of Claim filed by claimant, objected in this motion.
5. By filing a deficient proof of claim, claimant is depriving the Court, the US Trustee, other creditors and the debtors the opportunity to determine the validity, legality and correctness of the claim.
6. For this reason, the Debtors hereby object claim number 1 and the claim should be completely disallowed for the reasons expressed in this motion.

WHEREFORE, the Debtors respectfully pray that claim number 1 filed by Banco Popular de Puerto Rico be disallowed.

NOTICE TO CREDITORS AND PARTIES IN INTEREST

Within (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R.Bank.P.9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. LBR 9013-1(h) (I), LBR 3007-1(c).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants, including the US Trustee. I further certify to have sent a copy of the instant document via regular US mail to Banco Popular de Puerto Rico, Bankruptcy Department, G.P.O. BOX 966818, San Juan, PR 00936.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this October 6, 2011

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